

EXHIBIT 42

Fed. R. Evid. 1006 | Summary of Evidence
Exemplary Summary of TRO Plaintiffs’ Mischaracterizations

No.	Plaintiffs’ Omission, Inaccuracy, or Misrepresentation	Fact	Evidence
1	TRO Plaintiffs contend that there is an emergency justifying extraordinary judicial relief.	<p>Plaintiffs have known of their suspensions since June 9, 2022, when they each received letters from the TOUR informing them of their discipline.</p> <p>Matt Jones stated publicly “[y]ou’ve got to expect” that he would be banned for committing to play in LIV events without a release. When asked following his suspension about the possibility of never playing again on the PGA TOUR, Jones stated, “I did come to this [LIV] series and this tournament with the understanding that [] could be the case.”</p> <p>Indeed, Plaintiffs have been preparing this “emergency” motion for—at a minimum—nearly two months, as reflected in their own declaration (citing a source accessed on June 9, 2022).</p>	Levinson Decl. Exs. 9, 22, 33; Goldberg Decl. Ex. 55; Dkt 2-13 at 15 n.31.
2	TRO Plaintiffs claim that a “tour representative” said that “[w]e hold all the cards We don’t want those guys playing. We don’t care what the courts say.” Dkt. 2 at 1.	<p>Davis Love III, who is not a “tour representative,” did not make the statement attributed to him in this highly edited and misleading quotation. He did say that <i>golfers</i> hold all the cards, and that if a court ordered the TOUR to permit LIV golfers to play in TOUR events despite breaking the TOUR’s rules, other golfers might simply boycott those events, because they “respect the rules,” and are “fed up,” and “don’t want those guys . . . coming and cherry-picking our tournaments.”</p>	Dkt. 2-8 at 276–77.

Mickelson, et al. v. PGA TOUR, Inc., No. 5:22-cv-04486-BLF (N.D. Cal.)
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3	TRO Plaintiffs misleadingly claim that TOUR Commissioner Jay Monahan conceded that it would be "irrational" to try to compete with the TOUR. Dkt. 2 at 3.	Commissioner Monahan said nothing resembling this misleading language TRO Plaintiffs attribute to him. What he actually said is that the <i>LIV Golf</i> is an irrational participant in the market because it is "not concerned with the return on investment or true growth of the game."	Dkt. 2-3 at 4.
4	TRO Plaintiffs contend that "[e]ntry into next year's Majors (Masters, PGA Championship, U.S. Open, and The Open) . . . is earned in the FedEx Cup," and that if the Court does not grant their motion, they will "lose the opportunity to qualify for the 2023 Majors[.]" Dkt. 2 at 2, 22.	<p>The FedExCup is only one of myriad ways a player may qualify for the Majors, which each determine their own fields according to their own invitation regulations. The qualifications for each Major are reprinted in the TOUR's Player Handbook & Regulations ("the Regulations").</p> <p>The Masters, to take just one example, includes in its field any former winner of the Tournament, any winner of another major for the last five years, any winner of THE PLAYER'S Championship for the last three years, the current Olympic Gold Medalist (one year exemption), the top 12 finishers from the previous year's Masters Tournament, the top four finishers from the previous year's U.S. Open, The Open, and PGA Championships, any winner on the PGA TOUR since the last Masters Tournament was held, anyone who qualified for the previous year's TOUR Championship, and the top 50 players in the Official World Golf Rankings from the prior calendar year and published the week prior to the Masters, among other qualifiers.</p>	Levinson Decl. ¶ 11, Ex. 6 at 36.

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5	Mr. Swafford contends that the TOUR “did not send a notice” of discipline to him following the announcement of the field for the LIV Golf exhibition event in London. Dkt. 2 at 9.	In fact, the TOUR sent Mr. Swafford a disciplinary notice the very next day, June 1, 2022, informing him that his participation in the LIV Golf exhibition event in London violated the conflicting events provision of the Regulations.	Levinson Decl. Ex. 20
6	Mr. Gooch contends that, although Commissioner Monahan sent letters to other suspended players informing them that their appeals had been transferred to the TOUR’s Appeals Committee, he did not receive such a letter. Dkt. 2-11 ¶ 35.	In fact, the TOUR <i>did</i> send Mr. Gooch a letter on July 30, 2022 informing him that his appeal had been transferred to the Appeals Committee.	Levinson Decl. Ex. 17
7	Following his second round at this year’s Open Championship, Mr. Gooch told the media that he only planned to play one LIV event in London, before changing his mind after the TOUR suspended him in June. <i>See</i> Goldberg Decl. Ex.76; Gooch Decl ¶ 30.	In fact, Mr. Gooch intended to play in more than one LIV event before the London event began and before he was suspended.	Peters Decl. Ex. 2
8	TRO Plaintiffs claim that their “suspensions serve as a warning shot to other professional golfers,” and “has the effect—and the intent—of threatening LIV Golf’s nascent entry.” Dkt. 2 at 16; Dkt. 2-11, ¶ 36; Dkt. 2-10, ¶ 36; Dkt. 2-9, ¶ 36.	In fact, LIV’s Commissioner, Greg Norman, has told the media that “[l]onger they [the PGA TOUR] do it (suspend players), the less we’re [LIV Golf] worried about it because we have more people coming in and wanting to invest.”	Goldberg Decl. Ex. 79

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9	TRO Plaintiffs selectively cite news reports, third-party statements, and press statements to attempt to suggest collusion between the TOUR and the DP World Tour. Brass Decl. Ex. 22.	<p>In fact, the available facts show that the DP World Tour acted independently and had independent reservations about forming any relationship with LIV.</p> <p>Moreover, the DP World Tour has long recognized that LIV's "plans are not conducive to the long-term health and prosperity of the European Tour" and indeed, "they are detrimental to our future."</p> <p>The DP World Tour's sanctions against LIV players were the result of the DP World Tour enforcing penalties on its members who committed rule violations. The DP World Tour CEO Keith Pelley explained: "I will simply reiterate that our Members' Regulations which have been in force for more than 30 years, have been accepted by all the players, are there to protect all of our members, and we will use them to take all necessary steps to protect their interests. The sanctions for those members who knowingly broke our rules by playing at the Centurion Club without a release are proportionate, fair and, I believe, considered necessary by the majority of our members."</p> <p>The DP World Tour stated that it declined to continue the Saudi International tournament on its tour because Golf Saudi's actions in supporting LIV are detrimental to the DP World Tour.</p> <p>On May 12, 2021, the DP World Tour did not "send threats" to the Asian Tour, but rather, presented an</p>	<p>Brass Decl. Ex. 4; Ex. 5; Ex. 10; Ex. 22b; 22c; 22d; 22f; 22n; 22o; 22p</p> <p>Goldberg Decl. Ex. 69; Ex. 67; Ex. 72</p>

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		<p>offer to the Asian Tour to renew a partnership agreement for 2022-2026.</p> <p>Reports detail that LIV Golf partnered with the Asian Tour in an effort to allow LIV events to qualify for Official World Golf Ranking points.</p>	
10	<p>Each of the TRO Plaintiffs contend, in identical language in each of their declarations, that their decision to join LIV golf was made, at least in part, because they believe that "LIV Golf is good for the game of golf, that LIV Golf offers innovation to the golf entertainment product[.]" Dkt. 2-9, ¶ 17; Dkt. 2-10, ¶ 17; Dkt. 2-11, ¶ 17</p>	<p>In fact, the TRO Plaintiffs have made very different public statements about their reasons for joining LIV Golf.</p> <p>Mr. Jones told the Golf Channel that joining LIV Golf was "[p]urely a business decision for me[.]"</p> <p>Mr. Swafford emphasized to Sports Illustrated that LIV's "schedule is very enticing to a guy who has two small kids."</p> <p>Mr. Gooch told the media he intended to play just one LIV event before returning to play on the TOUR, despite the fact that he intended to actually play in more than one event.</p>	<p>Goldberg Decl. Ex. 49; Ex. 50; Ex. 76</p>
11	<p>TRO Plaintiffs contend that the TOUR has "pressured sponsors to drop players for playing with LIV Golf," and cite to Commissioner Monahan's January 24, 2020 memorandum, another memorandum written on June 9, 2022, and an article from "Global Golf Post." Dkt. 2 at 5.</p>	<p>TRO Plaintiffs' assertion is unsupported by evidence.</p> <p>In fact, Commissioner Monahan wrote on January 24 that "[w]e have engaged select TOUR partners to determine if Private Equity Golf has been in contact. To date, we have no information regarding outreach to partners." He further wrote that "TOUR representatives have reached out to existing and potential media partners to determine if Private Equity Golf organizers have been in contact and, if</p>	<p>Dkt. 2-3 at 121; Dkt. 2-4 at 182; Dkt. 2-5 at 380-81.</p>

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		<p>so, gauge interest. Those partners that have been contacted indicated to us that they have no interest in dealing with Private Equity Golf because the entity does not own any media rights.”</p> <p>Commissioner Monahan’s June 9, 2022 memorandum to PGA TOUR <i>members</i> is not even addressed to sponsors, nor does it discuss conversations with them. Instead, Commissioner Monahan wrote: “I am certain our fans and partners – who are surely tired of all this talk of money, money, and more money – will continue to be entertained and compelled by the world-class competition you display each and every week[.]”</p> <p>The Global Golf Post article contains the word “sponsor” just twice, in the same sentence, which reads in its entirety: “Not everybody is going to stay, and we can’t keep them, but the (tournament) sponsors are with us and the player agents are here, and their sponsors are loyal to the tour.”</p> <p>Nothing in any of these cited sources remotely suggests that the TOUR “pressured sponsors to drop players for playing with LIV Golf,” as TRO Plaintiffs contend.</p>	
12	TRO Plaintiffs claim that the TOUR “enlisted famous players to publicly intimidate young golfers against playing with LIV Golf[.]” Dkt. 2 at 5.	<p>TRO Plaintiffs’ assertion is unsupported by evidence. TRO Plaintiffs cite four media articles related to comments made by Tiger Woods and Davis Love III. None of these articles says anywhere that Mr. Woods or Mr. Love spoke on behalf of the TOUR, at the</p>	Dkt. 2-5 at 298-304, 306-07; Dkt. 2-6 at 7-8; Dkt. 2-8 at 276-77

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		<p>TOUR’s request or direction, or in any capacity as a TOUR official. Indeed, these articles reflect the individual statements of individual TOUR members.</p> <p>There is no evidence in the cited publications to support the TRO Plaintiffs’ speculation that the TOUR “enlisted” these comments.</p>	
13	<p>TRO Plaintiffs contend that “[t]he people who control the Tour and its Policy Board are not professional golfers, but are full-time administrators.” Dkt. 2 at 4.</p>	<p>TRO Plaintiffs omit the fact that there are four player-directors on the TOUR Policy Board, and that a fifth player-director is slated to join the Policy Board in January 2023. Moreover, TRO Plaintiffs fail to mention the sixteen-member Player Advisory Council that advises and consults with the Policy Board. TOUR members may vote to elect representatives to both the Policy Board and the Player Advisory Council.</p>	<p>Levinson Decl. ¶ 7.</p>

EXHIBIT 43

**ESPN.com:** Golf[\[Print without images\]](#)

Friday, October 29, 2021

Golf legend Greg Norman set to run competing tour that hopes to begin play in 2022

By Bob Harig
ESPN

Golf icon [Greg Norman](#) will put his successful business enterprise aside to become the commissioner of a long-rumored and long-discussed golf league that hopes to begin play in 2022, and he is seeking to sign players to lucrative guaranteed deals with big-money purses.

Norman, 66, announced his association with LIV Golf Investments, backed by the Public Investment Fund (PIF), which is the sovereign wealth fund of Saudi Arabia. Norman will be chief operating officer of the enterprise, as well as commissioner of the new league.

As part of the announcement, Norman said Liv Golf Investments, which will be investing in various golf ventures, has committed a nine-figure sum to help the Asian Tour stage an additional 10 events over the next 10 years.

"This is the biggest decision of my life," Norman said in an interview.

Norman will continue to be based in South Florida to run the new venture while keeping a hand in his golf-course design business.

"What do I do with the Greg Norman Company? It has 12 divisions. I can't do both. I can't put both feet in both office buildings and give 100 percent effort," he said. "So I decided to step away from Greg Norman Company. I'm handing the reins over for the first time in my life to other individuals to run my company.

"That was a big, big decision because that's how much I believe in this. That's how much I believe in the people who have been behind this to get it to a point where we are now taking it and to a point where we will be live and have the first ball in the air in the [spring] of next year."

Norman, a 20-time winner on the PGA Tour who captured two major titles and won 88 times, would not disclose the name or other details or whether any players have signed on to the new league. He would not specify the length of his contract but said he is on board for a "four- to seven-year commitment." In 1993-94, when Norman was in the prime of his playing career, which saw him ranked No. 1 in the world for 331 weeks, he put forth an idea for a World Golf Tour that would see the top players come together in a series of big-money, small-field events. Tim Finchem, commissioner of the PGA Tour at the time, successfully fought the creation of the rival tour, which Norman maintained then and now could have worked had players been allowed to compete on both circuits.

That will remain an issue going forward with the launch of a new league, various iterations of which have been discussed and floated for several years. This venture is not part of a previously disclosed Premier Golf League, which is based in London and has laid out a plan for 18 tournaments and 48-player fields to begin in 2023.

The Liv Golf Investments foray into the Asian Tour is the first step in unveiling what is planned. It suggests some sort of arrangement with the new league as a pathway for players to join it. When the European Tour entered into a strategic alliance with the PGA Tour, it ended its relationship with the Asian Tour that saw a certain number of players earn exemptions while also co-sanctioning several events.

The investment in the Asian Tour will see a commitment of at least \$200 million in prize money over a 10-year period to help fund a series of 10 annual marquee events. The series of tournaments will be added to the Asian Tour schedule in 2022.

In turn, the new league likely would be sanctioned by the Asian Tour, which means players could earn World Ranking points, a big issue as news of rival tours surfaced over the past two years. The World Rankings are one of the avenues for qualification for the major championships.

Norman noted the "untapped potential" in the Asia region and suggested the relationship with the Asian Tour is just the start of Liv Golf Investments in various golf endeavors. The Asian Tour's commissioner, Cho Minn Thant, hailed it as a significant milestone, especially in light of losing the association with the European Tour. "This will secure unprecedented new playing opportunities," he said.

The Public Investment Fund is a sovereign wealth fund considered one of the largest in the world, with assets of more than \$500 billion. It invests funds on behalf of the government of Saudi Arabia and has been the subject of controversy due to the country's poor human rights record.

"I am pleased that the investor base is 100 percent commercially driven by the opportunity to improve golf for all involved," Norman said. "I am happy to partner with this group of investors to bring the significant resources to bear that are necessary for the fundamental changes required for the greater good of the sport."

The announcement follows a recent one of a 10-year partnership between the Asian Tour and Golf Saudi, which runs the Saudi International, an event formerly part of the European Tour. When the tournament lost its European sanctioning, the PGA Tour said it would not grant releases for its players to play in the tournament.

The event's association with the sanctioned Asian Tour has left the situation unclear. [Dustin Johnson](#), the defending champion, is among several players who have sought releases to play in the tournament in February.

The tournament will become the flagship event of the Asian Tour, although it will not be one of the 10 new events that is part of the series that will take place throughout 2022 and beyond.

EXHIBIT 44

The Washington Post
Democracy Dies in Darkness

Take note of the PGA golfers who play in Saudi Arabia. They're accepting blood money.

Perspective by [Barry Svrluga](#)

Columnist | + **Follow**

January 6, 2022 at 4:30 a.m. EST

In the insular world of professional golf, a player's decision to enter one event or skip another amounts to minor news. Here's Phil Mickelson, for instance, opening his 2022 in the annual Tournament of Champions on the Hawaiian island of Maui. A refreshing change and another star in the field against the gorgeous backdrop of the Pacific. So soothing.

Next month, though, there will be two distinct camps of players making choices that both matter and reflect their values. One group will play in the PGA Tour's Pebble Beach Pro-Am, a tournament that started as a clambake hosted by the crooner Bing Crosby. Another will fly halfway around the globe to play in the Saudi International, a tournament sanctioned by the Asia Tour and sponsored by a murderous regime.

The stars who assemble in Saudi Arabia — and it's currently a group that includes Mickelson, the six-time major champion, as well as Dustin Johnson, Bryson DeChambeau and Sergio García — are doing so for the paychecks, which will reportedly be enormous just for showing up. There's no disguising the fact that it's blood money.

Follow along. It's not that difficult. In October, former world No. 1 Greg Norman was named CEO of LIV Golf Investments, an entity that created a "strategic partnership" with the Asian Tour to sponsor 10 tournaments in 2022 and pump \$200 million into the circuit over the next decade. The first is the Saudi International powered by SoftBank Investment Advisers, to be held Feb. 3-6 at Royal Greens Golf and Country Club near Jeddah, Saudi Arabia. The primary investor in Norman's group is the Public Investment Fund, which is essentially the financial arm of the Saudi government, a regime run by authoritarian Crown Prince Mohammed bin Salman.

Here's Norman, in a November [interview with Golf Digest](#) within days of his announcement, immediately trying to distance the PIF from the brutalities inflicted by bin Salman.

“[The PIF is] obviously a commercial operation,” Norman said. “They’re very autonomous. They make investment decisions all around the world. They’ve invested in major U.S. corporations because of commercial reasons. They invested in LIV Golf Investments for a commercial opportunity. They’re passionate about the game of golf.”

He’s a self-serving snake-oil salesman but worse. Don’t trust him. Rather, listen to Sarah Leah Whitson, the executive director of Democracy for the Arab World Now (DAWN), a nonprofit that promotes democracy and human rights throughout the Middle East and North Africa.

“The notion that the PIF is some independent financial authority that isn’t used to carry out murders and assassinations at the beck and call of Mohammed bin Salman is just patently untrue,” Whitson said by phone. “He does and has been using the PIF as a fig leaf, as a cover, as an intermediate step between his face on things and Saudi Arabia’s face on things.”

The golfers who show up at the Saudi International will say they’re there as independent contractors trying to “grow the game” internationally. How magnanimous. What they’re doing is taking millions of dollars from a regime that has kept alive an inexplicable civil war in Yemen for nearly seven years with, as Whitson said, “no military strategy or military gains, achieving only the starvation and destruction of a neighboring country.” These golfers will smile and shake hands with officials from a regime that, until recently, didn’t allow women to drive or open a bank account or rent an apartment or obtain a medical procedure without the consent of a male guardian.

“The women there now, I’ve been so impressed,” Norman told Golf Digest. “You walk into a restaurant and there are women. They’re not wearing burkas. They’re out playing golf.”

All’s just peachy then, right? He’s not alone. Here’s Bubba Watson, a two-time Masters champion, with the kind of pretzel logic you will hear from the guys who choose to play in the Saudi International.

“It’s one of those things where I love to travel and I wanted to travel somewhere else,” Watson said last month at the QBE Shootout in Florida. “And Saudi Arabia, they’re trying to change. They started with women’s golf, started supporting the women’s golf, and then they started supporting men’s golf. There’s women’s tournaments already that they sponsor. Trying to grow the game.”

Whitson allows that bin Salman has acquiesced to enormous international pressure and granted women some basic human rights. But this is calculated, nothing more. Bin Salman needed to modernize Saudi policies toward women if he hoped to do business with the West. His motives are economic, not altruistic.

“I support that kind of opening to the globe,” Whitson said. “But not if it’s used to shield the horrible brutality that this — I don’t even want to call it a government — that this one-man operation has exercised not only against his own citizens but against the millions of people of Yemen.”

The golfers who turn up in Saudi Arabia will no doubt say they are independent contractors free to make their own choices. Fair enough. Rory McIlroy, the four-time major champion from Northern Ireland, is making his own choice, too. McIlroy has said repeatedly that he would not play in Saudi Arabia for any price. In 2019, he told the Golf Channel, “There’s a morality to it.” What a concept.

To anyone who doubts that, remember the origination of DAWN, the organization Whitson, a former executive at Human Rights Watch, now leads. The group was founded by Jamal Khashoggi, the Saudi Arabian journalist and dissident who became a columnist for The Washington Post in 2017.

Khashoggi was a thoughtful and relentless critic of bin Salman and the Saudi government. In October 2018, Khashoggi entered the Saudi consulate in Istanbul to obtain documents for his impending marriage. He was murdered and most likely dismembered. His body has never been returned to his family. The CIA concluded that bin Salman ordered the killing.

That murder should hang over the field at the Saudi International. As should the senseless war in Yemen, which the United Nations estimated had caused 377,000 deaths by the end of 2021. As should the hit squad bin Salman allegedly sent to Canada for the attempted murder of a former Saudi intelligence official. As should the fact that, according to Human Rights Watch, prominent women's rights advocates have remained in Saudi jails since 2018 merely for their advocacy.

The Saudi International is just a bit piece in bin Salman's attempt to use international sport to help distract from his abhorrent record. He has invested in Formula One auto racing. He has invested in English Premier League soccer by buying a majority stake in Newcastle. Chess, snooker, horse racing, you name it. He has proved adept at the practice the human rights group Grant Liberty calls "sportswashing."

Don't sportswash this fact: The golfers who play in the Saudi International are making a choice, and it's a choice to take thinly laundered money from a man who orders his dissenters murdered. A month from now, take note of their names. Their participation should be more than minor news.

Read more:

Novak Djokovic ordered to leave Australia despite receiving vaccine exemption to play in Australian Open

NASCAR rejects sponsorship deal based on 'Let's go, Brandon!' chant

On soccer: For both USMNT and USWNT, 2022 is a massive year

Brewer: Kyrie Irving will help the Nets win, but this desperate compromise won't cut it

EXHIBIT 45

Wyndham Championship Sedgefield Country Club	1 🇰🇷 Joohyung Kim 4 -20	T2 🇰🇷 Sungjae Im 4 -15	T2 🇺🇸 John Huh 4 -15	4 🇺🇸 Ben Griffin 4 -14	T5 🇺🇸 Max McGreevy 4 -13
FULL LEADERBOARD >					

NEWS & TOURS

What Phil gets wrong about the PGA Tour's media rights

By Joel Beall | February 19, 2022



Icon Sportswire

If a through-line can be ascertained from Phil Mickelson's criticism of the PGA Tour it is his

contention with the organization's media rights. The tour, Mickelson asserts, is sitting on a pile of money like Scrooge McDuck from broadcasting deals and digital assets, money Mickelson believes belongs to the tour's constituents.

"It's not public knowledge, all that goes on," **Mickelson told Golf Digest's John Huggan** earlier this month. "But the players don't have access to their own media. If the tour wanted to end any threat [from Saudi or anywhere else], they could just hand back the media rights to the players. But they would rather throw \$25 million here and \$40 million there than give back the roughly \$20 billion in digital assets they control. Or give up access to the \$50-plus million they make every year on their own media channel. ... There are many issues, but that is one of the biggest." Mickelson also claimed that the tour charged him \$1 million each time he wanted to participate in "The Match" series, saying the tour's "obnoxious greed" has forced him to look elsewhere.

The remarks were, to put it lightly, bombastic. And Mickelson shared similar complaints with the Fire Pit Collective in an interview published this week. The problem—well, one of the problems—is Mickelson's failure to grasp a basic understanding of how media rights work.



Mickelson isn't totally wrong; players do not have any ownership of the tour's media rights. But no athlete participating in a major professional sports league does. Major League Baseball, the National Football League and the National Basketball Association aren't perfect analogs to the PGA Tour; in those sports a player is an employee of a team under a guaranteed contract. Part of that contract stipulates the team owns anything that player does on the field and anything that goes on their uniforms (save for shoes). That includes media rights.

Golfers, conversely, are independent contractors with no guaranteed contracts. Unlike other athletes, they can monetize their uniforms. Still, as members of the tour, they do assign the organization all of their media rights, giving the tour an aggregated bundle of intellectual

property. It's this bundle that enables the PGA Tour to sell media rights to distributors. For example, if the tour's media rights were fragmented—say, if CBS Sports didn't have the exclusive rights to air this weekend's Genesis Invitational and players could individually sell their live and archived broadcast rights—the TV deals would be worthless.

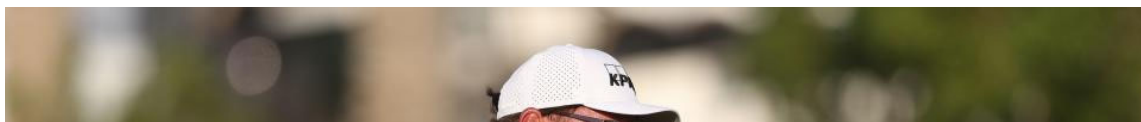
And those deals are worth a *ton*. In March 2020 the tour finalized a new nine-year media rights agreement with CBS Sports, NBC Sports and ESPN that went into effect in 2022 that will pay the tour \$7 billion over this span. Mickelson, in a September podcast with Gary Williams, complained that only 26 percent of this revenue was being funneled back to the players. In truth, according to a memo from PGA Tour Commissioner Jay Monahan to players last November, 55 percent of revenue is going back to the players in prize money, bonus programs and other benefits. This 55 percent is in line with what NBA and NFL players receive from their respective leagues (MLB is currently in a labor dispute).

RELATED: Could the tour suspend Phil Mickelson?

While it's easy to correlate the purse and FedEx Cup prize increases this year as a response to the Saudi golf league threat, Monahan has said going back to 2020 the increases are a result of this new media deal. (Those deals did, however, allow for new bonus pools and the creation of the PIP initiatives.) In fact, due to the nature of how the PGA Tour is run—it is listed as a 501(c)(6) non-profit—the tour is obligated to flow the money back to the players, while allowing expenses of the company to be paid and also to accumulate a reasonable reserve of funds.

As the \$7 billion figure over a nine-year span shows, Mickelson's \$20 billion claim is outlandish. However, there are more than live rights at play. The tour also owns the highlights and a treasure chest of archived assets. The tour is able to generate revenue from these rights, primarily by selling them with advertising or sponsorship against video on digital platforms. But, as Monahan has laid out, whatever is made from this endeavor is again funneled back into the pot for players, distributed in prize money or bonus pools.

Tour players do have some rights to their own media footage. Over the past decade the tour has become more liberal with how players can use video on their social feeds, having the ability to contact the tour to air highlights on Twitter, Instagram, Facebook to build their brands and fan bases so long as they don't use a pre-roll of sponsorship or advertising before those highlights. The tour has actually increased its in-house player-content staff to help meet these growing demands. Additionally, players are also allowed—with certain restrictions—to have their own teams film them on tournament sites, including tournament rounds. A recent example is the viral video of Scott Stallings' daughter giving her dad some encouragement during the Farmers Insurance Open, as the clip was not produced by the tour but Stallings' team.





Oisín Keniry

Again, players do not have the right to sell their media rights for commercial use, but that is consistent across all professional sporting leagues in the United States. As for Mickelson's gripe that he had to pay \$1 million each time he was involved with "The Match" exhibition series—an agreement that falls under the purview of being a PGA Tour member—that's not entirely true, either. Multiple sources confirmed to Golf Digest that Turner Sports, which has aired all five iterations of "The Match," paid the \$1 million fee, not Mickelson personally. Mickelson has also made millions from the franchise, with \$9 million alone coming from his first battle against Tiger Woods in 2018.

This is not to say the PGA Tour's media rights are perfect. How fans are consuming sports is constantly changing, as is the digital marketplace. The landmark changes in [NIL legislation](#) at the amateur level could spur more individual rights in the professional realm. Woods himself addressed the issue earlier this week when speaking at the Genesis Invitational.

"Media rights is a big thing," Woods said on Wednesday. "A lot of us are concerned about what is the direction, where we're going and how can we have more control over that. There's been a lot of talk from whether it's the PAC or the board or from players internally. Everyone has their opinion about it, but we need to come to a collective decision. Jay has taken it all in to try and figure out what's best for each and every individual player because we're all independent contractors, but what is best for the tour as a brand as well. Trying to put all that together, meanwhile still grow the tour at the same time and all the different media rights that have come about over the last 10 years, whether it's streaming, which didn't exist, where do you go on that, where does the tour go, who owns those rights, how much do you share of that, where does it go."

"Yes, there's give and take, OK?" Woods continued. "We just need to find—there's a balance of what's best for the players and what's best for the brand."

But when it comes to Mickelson's specific criticism, the argument is weighted with exaggerations and short on validity.

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EXHIBIT 46



SPORTS

Phil Mickelson apologizes for controversial comments about a Saudi-backed golf league

February 23, 2022 · 12:36 PM ET



BECKY SULLIVAN



Phil Mickelson, seen at the Charles Schwab Series at Ozarks National in 2020, says he "used words I sincerely regret" in an interview about a Saudi-financed golf league.

Brett Carlsen/Getty Images

Golfer Phil Mickelson has apologized for controversial comments he made about Saudi Arabia and a Saudi-backed upstart golf league that had hoped to lure star players away from the longtime golf establishment.

In a statement posted to social media Tuesday, Mickelson wrote that he "used words I sincerely regret" in a recently published interview in which the six-time major winner described the Saudi regime as "scary motherf*****" and brushed aside known human rights violations, including the murder of journalist Jamal Khashoggi.

"It was reckless, I offended people, and I am deeply sorry for my choice of words," Mickelson wrote.

The apology follows a backlash over comments Mickelson made about the Super Golf League, a breakaway league with ambitions of luring stars away from the world's premier professional golf organizations, including the PGA Tour. The SGL is reportedly financed by Saudi Arabia's sovereign wealth fund.

Mickelson had been perhaps the most high-profile golfer to support the Super Golf League since details about it first became public several years ago.

But heads turned last week at comments made by Mickelson about Saudi Arabia and the upstart league that were published in an excerpt of a forthcoming "unauthorized" biography of Mickelson by the golf writer Alan Shipnuck.

Sponsor Message

"They're scary motherf***** to get involved with," Mickelson said in the interview,

which was conducted in November and published last week on the golf website Fire Pit Collective.



WORLD

Report On Khashoggi Killing Prompts Calls For Penalties Against Crown Prince

"We know they killed [*Washington Post* reporter and U.S. resident Jamal] Khashoggi and have a horrible record on human rights. They execute people over there for being gay. Knowing all of this, why would I even consider it? Because this is a once-in-a-lifetime opportunity to reshape how the PGA Tour operates," he said.

Mickelson said a Saudi-backed golf league has given players leverage over the PGA Tour

In the interview, Mickelson criticized the way the PGA Tour compensates its players. The association controls players' media rights, and its prize structure flattens winnings between the highest-profile star golfers and lesser-known players near the bottom of the rankings.

"The Saudi money has finally given us that leverage. I'm not sure I even want [the SGL] to succeed, but just the idea of it is allowing us to get things done with the [PGA] Tour," Mickelson said in the interview.



MIDDLE EAST

Saudi Arabia and China are accused of using sports to cover up human rights abuse

In his statement Tuesday, Mickelson suggested that his words had been taken "out of context" and that the interview with Shipnuck had been off the record — a claim that Shipnuck said is "false and duplicitous."

"Not once in our texts or when we got on the phone did Mickelson request to go off-the-record and I never consented to it; if he had asked, I would have pushed back

hard, as this was obviously material I wanted for the book," Shipnuck wrote Tuesday.



The eye-opening comments have jarred the professional golf world. In the days since, several high-profile players that had been rumored to be considering the SGL have publicly committed to the PGA instead.

Mickelson loses a key sponsorship

The Big Four accounting firm KPMG, which has long sponsored Mickelson, announced Tuesday that the firm and golfer had "mutually agreed" to end the sponsorship.

"I have made a lot of mistakes in my life and many have been shared with the public. My intent was never to hurt anyone and I'm so sorry to the people I have negatively impacted. This has always been about supporting the players and the game and I appreciate all the people who have given me the benefit of the doubt," Mickelson wrote in his statement.

Mickelson, who has missed recent PGA events, suggested he would take a longer break from golf.

"The past 10 years I have felt the pressure and stress slowly affecting me at a deeper level. I know I have not been my best and desperately need some time away to

prioritize the ones I love most and work on being the man I want to be," he said.

phil mickelson golf

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OPINION

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EXHIBIT 47

 **ESPN.com:** Golf[\[Print without images\]](#) Thursday, February 24, 2022
Updated: February 26, 9:51 AM ET

Inside how Phil Mickelson's challenge of the PGA Tour backfired so quickly and what comes next

By Mark Schlabach and Tom VanHaaren
ESPN.com

What started out as a typical Thursday morning for PGA Tour players, their caddies, coaches and agents, as they prepared for the start of last week's [Genesis Invitational](#), quickly turned into an unusual day.

The practice range at Riviera Country Club in Los Angeles was calm, as those in the field methodically warmed up and went through their routines. Then cellphones started going off up and down the line. The Fire Pit Collective's Alan Shipnuck had just [published explosive quotes](#) from Phil Mickelson about the proposed Saudi-financed Super Golf League being formed and [his willingness](#) to ignore the alleged human rights violations of its backers.

"There was definitely a buzz on the range," said one prominent PGA Tour agent. "Somebody sent it to me, and everybody else's phones were getting it either from buddies, other players, associates, whomever. It got everybody's attention."

In his conversation with Shipnuck, Mickelson said that despite knowing the Saudis, who he called "scary motherf---ers," had [killed Washington Post reporter Jamal Khashoggi](#), a U.S. resident, and that the country has a deplorable record on human rights, according to watchdog groups around the world, Mickelson was using the potential opportunity to join the new circuit as leverage against the PGA Tour.

"This wasn't just Phil being Phil," one PGA Tour player said. "This was a failed coup. How in the hell do you come back from that?"

And just five days later, everything changed dramatically for Mickelson, who [apologized](#), lost at least two of his longtime sponsors and maybe more and announced he's taking time away from golf "to prioritize the ones he loves most and to work on being the man he wants to be." Mickelson contends his comments to Shipnuck were meant to be off the record and were taken out of context, [which the author disputes](#).

"Although it doesn't look this way now given my recent comments, my actions throughout this process have always been with the best interest of golf, my peers, sponsors, and fans," Mickelson said in the apology. "There is the problem of off record comments being shared out of context and without my consent, but the bigger issue is that I used words I sincerely regret that do not reflect my true feelings or intentions. It was reckless, I offended people, and I am deeply sorry for my choice of words. I'm beyond disappointed and will make every effort to self-reflect and learn from this."

A member of Mickelson's management team didn't respond to ESPN's request for an interview, other than sending the statement he released on social media on Tuesday.

Mickelson's apology said he had given all his sponsors the option to either pause or get out of their relationship, because he doesn't want to compromise their business based on his words. Shortly after he issued the statement, his longtime sponsor, KPMG, said the two sides had mutually decided to part ways. Not long after that, Amstel Light followed.

"We made the decision to end Amstel Light's partnership with Phil Mickelson," the company told ESPN on Wednesday. "We wish him all the best."

Others, such as Callaway, Rolex and Mizzen + Main, haven't commented on their relationship with him.

[Mickelson's 530-word statement](#) never mentioned the PGA Tour, which he accused of "obnoxious greed," or commissioner Jay Monahan. Brandel Chamblee, a former PGA Tour player and now an outspoken analyst on Golf Channel, [wrote this on Twitter](#): "Just read Phil's statement, it's 6 paragraphs, the 1st paragraph sets the stage for him being a victim, the 2nd paragraph is him pretending to be an activist, the 3rd/4th paragraphs are about spin and damage control/money and the 5th and 6th are him saying he's a good guy."

Even before Mickelson's comments about the rival league became publicly known, stars like [Rory McIlroy](#), [Justin Thomas](#), [Jon Rahm](#) and others had [voiced their support](#) for the PGA Tour. [Tiger Woods](#), the most famous player of all, who hasn't participated in an [official event in more than a year](#) while recovering from injuries he [suffered in a car accident in February 2021](#), also [said he was sticking with the PGA Tour](#).

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Then on Sunday, [Dustin Johnson](#) and [Bryson DeChambeau](#), two of the biggest names connected to the Saudi-backed tour being fronted by former world No. 1 and two-time Open champion Greg Norman, both [made public statements](#) pledging allegiance to the PGA Tour. It was two more devastating blows to the potential of the Saudi League and the star power it hoped to attract.

"I don't want to kick someone while he's down obviously, but I thought [Mickelson's comments] were naive, selfish, egotistical, ignorant," McIlroy said on Sunday. "A lot of words to describe that interaction he had with Shipnuck. It was just very surprising and disappointing. Sad. I'm sure he's sitting at home sort of rethinking his position and where he goes from here.

"Who's left? I mean, there's no one."

Those might be perhaps the biggest remaining questions in the entire ordeal: What becomes of the Super Golf League, and what does the PGA Tour do with Mickelson? The six-time major champion, popularly known as Lefty, had one of the defining moments of his career in May 2021, when he became the oldest major champion by [winning the PGA Championship](#) at Kiawah Island at 50 years old. Now, he has left fellow players dumbfounded, publicly questioning his motives and willingness to overlook the sins of his money men.

Perhaps most damaging was that Mickelson told Shipnuck that he had enlisted the help of three other players -- whom he wouldn't identify -- to help pay for attorneys to draw up the SGL's operating agreement. Mickelson wasn't just joining a rival league; he was helping create one. Mickelson hasn't played in the past four PGA Tour events and is now taking a break from the game for an unspecified amount of time. Whether that is a voluntary break, or a disciplinary measure handed down by the PGA Tour, is unclear. The PGA Tour does not publicly announce suspensions.

"Phil's a polarizing figure," a Tour agent said. "Some people care what Phil thinks and what he has to say, but a lot of guys couldn't give two s--- about what Phil has to say about anything. Because Phil has kind of been front and center at all of it, I think the statements that were released and attributed to him certainly made people say, 'Wow, that can't be good.'"

While McIlroy said he didn't want to kick Mickelson while he was down, other PGA Tour players have been more than willing to pile on. Six-time PGA Tour winner and former FedEx Cup champion [Billy Horschel](#), [in a podcast with the Golf Channel's Matt Adams](#), called Mickelson's comments "idiotic." Horschel took exception to Mickelson's characterization about the PGA Tour's "obnoxious greed" and his claims that it is allegedly hoarding \$20 billion to \$30 billion that could go to players.

"I may not see all the numbers that a player director may see in board meetings, but I see enough to understand that the money is being used correctly and it's being used how the PGA Tour says it is," said Horschel, a member of the tour's Player Advisory Council. "It's tough because this guy -- no I say *this guy* -- Phil has done so great, and he's been a great ambassador to the game of golf, and I honestly feel that he's hurting his reputation and he's tarnishing his legacy a little bit."

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Unintentionally, Mickelson's comments might have thwarted the master plan for the Saudi-financed league that had been gaining momentum over the past several months. Players had been talking behind the scenes about its potential and the money involved. Things had progressed, one longtime PGA Tour caddie told ESPN, to the point that players had signed on to join.

The proposed breakaway circuit is being financed by Saudi Arabia's Public Investment Fund, which the Saudi government has listed as worth [more than \\$500 billion](#). Meanwhile, Norman's company, LIV Golf Investments, has already [pumped \\$300 million](#) into the Asian Tour. The Super Golf League would be connected to the Asian Tour, which would allow its players to earn Official World Golf Ranking points and potentially compete in major championships.

Norman declined to be interviewed for this story.

When Monahan made a stern warning to players about a ban for joining the breakaway league in May 2021, Augusta National Golf Club and the United States Golf Association each issued statements supporting the PGA Tour, although neither addressed whether players who compete outside the Tour would be permitted to play in the Masters and U.S. Open. PGA of America CEO Seth Waugh told reporters last year that leaving the PGA Tour would make players ineligible for the PGA Championship and the Ryder Cup.

"If someone wants to play on a Ryder Cup for the U.S., they're going to need to be a member of the PGA of America, and they get that membership through being a member of the tour," Waugh said before last year's PGA Championship at Kiawah Island. "I believe the Europeans feel the same way, and so I don't know that we can be more clear than that. It's a little murkier in our championship, but to play, from a U.S. perspective, you also have to be a member of the tour and the PGA of America to play in our championship, and we don't see that changing."

Martin Slumbers, chief executive of the R&A, which oversees The Open, said the organization was "fully supportive of the European [now DP World Tour] and the PGA Tour."

Now, largely because of Mickelson's comments, those concerns might be moot. What was meant to be a super league that would tempt some of the PGA Tour's biggest names -- and potentially their corporate sponsors -- with more money and a player-friendly experience was suddenly thrown a roadblock by what he said and his very public admission of what joining the league actually meant.

The Saudi League went from gaining momentum, to the point that sources believed an announcement about the league's creation was fast approaching, to pumping the brakes on that momentum in a matter of weeks.

Slowing down doesn't mean it will go away, however, as some Tour players believe the league will still somehow find a way.

"I think it's going to still keep going. I think there will still be talk. I think, everyone talks about money. They've got enough of it," [Brooks Koepka said on Wednesday at the Honda Classic](#). "I don't see it backing down; they can just double up and they'll figure it out. They'll get their guys. Somebody will sell out and go to it."

The reason is simple: Money. From the start, for Mickelson and all the players who agreed to sign or were interested enough to listen, the figures

were too big too ignore. While the downfall came swift, thanks to Mickelson, the build up to get here was a long time in coming.

The money started talking

This whispers, according to Tour players who spoke with ESPN, about a potential new league go as far back as five years ago. Every time, though, the possibility would pass in the wind and never materialize.

"I knew the way these guys have operated and it's all been smoke and mirrors and they've created rumors and spread rumors and tried to play one guy off another," McIlroy said. "And [they] said one thing to one manager and said a different thing to another manager and just sort of created this chaos and confusion around that group, and everyone's questioning everyone else's motives so they're just kind of playing everyone off one another."

Because Norman and his company hadn't announced their plans publicly, and their talks with PGA Tour players and their agents were being conducted behind closed doors, Tour executives felt as though they didn't know exactly what they were fighting against. There were published reports in Europe that the Saudi organizers had offered DeChambeau [as much as \\$135 million](#) to sign on, and perhaps even more to Johnson, a two-time major champion. [According to a report](#) in the Daily Telegraph, [Ian Poulter](#), a European Ryder Cup hero who hasn't won on tour in nearly four years, was offered \$30 million.



Phil Mickelson and Greg Norman were aligned in pushing for a Saudi-backed league to challenge the PGA Tour.

"[The Players Championship] in March last year, it seemed really, really strong. I can remember a few big-name guys coming in and talking to the [PGA Tour] commissioner about the things that they had heard," a PGA Tour caddie said. "So, that was the first time, like, OK, wow, this is pretty in-depth, whatever's happening here. And it seems like something that people need to be worried about, or at least thinking about."

There was suddenly a shift in how the new circuit was being talked about, the frequency and the infrastructure of the potential league having an actual blueprint.

Caddies and players heard the talk in their circles up until the fall of 2021, when the chatter went somewhat silent. The players interested in joining the Saudi league were now talking in private about their potential deals and how it would all work if they were to jump ship.

There were conversations that took place in recent months in secrecy that most weren't aware of. One source told ESPN handshake deals were made and some agreements were reached in the beginning of February at the Saudi International tournament at Royal Greens Golf and Country Club in King Abdullah Economic City, Saudi Arabia.

"Guys have signed, guys have agreed and guys are going to do it. And we haven't really known that before, just kind of rumors and probables and that kind of stuff," the caddie said. "So what happened at Saudi [International] is guys were wined and dined, they were treated and the league was talked about and some financial promises were made. I do know some of the numbers and the PGA Tour cannot match it. But it comes back to what do you want? What are you after?"

Last week, [Shipnuck tweeted](#) that as many as 20 Tour players had committed to join Norman's circuit and an announcement about the new league could come as early as next month at The Players Championship. Sources told ESPN that timeline seemed aggressive, and it was more likely that an announcement would come after the Masters in April. But without most of the sport's top young players, most of whom have committed to staying with the PGA Tour, how much of a legitimate threat was the SGL going to be?

"I don't think they put the right leadership team in from the start," McIlroy said. "In all honesty, like the epicenter of the professional world still revolves around Tiger, he is the epicenter, and if they don't have him ... like who knows when he's going to play again, but if they don't have his blessing even, it's got no chance. Then roll in [Jon Rahm](#), the best player in the world, [Collin Morikawa](#), No. 2, me who's been up there for a while, everyone else, I mean, yeah."

Woods is the unquestioned star, who [spoke out in November](#) in support of the PGA Tour. He holds a cachet that Mickelson doesn't. Players have taken into account what Woods thinks and has said about the league.

Tour player [Pat Perez](#) told reporters last week that Woods' opinion matters, and he, along with other players on Tour, would follow his lead.

"If [Woods] doesn't want to do it, Rory doesn't want to do it and if you don't have the top kids doing it, I just don't know how much water it's going to hold anyway," Perez said. "They're not going to follow Phil, they're not going to follow DeChambeau, unfortunately. You need the young crew right now to go do this thing."

"I don't know exactly what Phil ... why he's got so much hate towards the Tour. I mean, he's damn near 52 now."

Some players, such as Australia's [Adam Scott](#) and England's [Lee Westwood](#), have acknowledged being intrigued by the SGL's shorter schedule and condensed events. Westwood told the media he had signed a non-disclosure agreement and wasn't sure if he could answer any questions about the

league or offers to other players. He isn't alone. Other players, like [Jason Kokrak](#), have also publicly hinted they have signed NDAs with the Saudi group.

A PGA Tour player told ESPN last week that the new circuit [will have 14 tournaments](#), each only consisting of 54 holes as opposed to 72 holes played on Tour. Many of the events would be played in the U.S. [According to The Washington Post](#), some courses vying to play host to events are those owned by former President Donald Trump.

The Saudi league would have shotgun starts, meaning all the players would start at the same time on different holes. Currently, the Tour has specific tee times for its players, with some groups going out in the morning, some in the afternoon over the first two rounds. Groups are typically paired by their place on the leaderboard for the third and fourth rounds. The early-round tee times impact the outcome of a tournament if the weather shifts or if conditions change from one group to the next, which is why the shotgun start would be appealing.

A source told ESPN that there also might be team ownership stakes for players who jump to the Saudi-backed circuit, similar to how Formula 1 racing works. Individual players would be competing for tournament purses worth as much as \$20 million to \$30 million, but there also would be a team aspect to the new league as well. As many as 48 players would be divided among teams. Each team would have an owner -- whether it's a player, corporation or outside entity. The team owner would have opportunities to sell sponsorships that the team would represent. Trades and free agency might also be part of the potential format.

"If someone's not playing well and he's in the elite team and you get a young kid who just played well and he's coming up, the elite player could lose his spot," the caddie said.

For now, though, the Saudi-backed circuit seems to be missing the stars it hoped to put at the top of each team. Mickelson's statement didn't make their efforts to sign top players any easier, either.

'I don't know what Phil's doing'

In November, as Shipnuck, a former golf writer with Sports Illustrated, was wrapping up writing an unauthorized biography of Mickelson, "Phil: The Rip-Roaring (and Unauthorized!) Biography of Golf's Most Colorful Superstar," he received a text message from Mickelson, who to that point had refused to sit down for an interview for the book.

Shipnuck recalled the text conversation [during a podcast](#) on the Fire Pit Collective website this week, saying that Mickelson had reached out to talk about the PGA Tour, media rights and NFTs. The two set up a call, and according to Shipnuck, Mickelson never said their conversation was off the record or for background purposes only.

"He just started talking," Shipnuck said on the podcast. "At that point, it is an on-the-record interview with a biographer. That's not even in question."



Dustin Johnson was one of the big names linked to the Saudi Golf League.

During that conversation, Mickelson acknowledged that the Saudi Arabians were "scary" to deal with.

"... They killed Khashoggi and have a horrible record on human rights," Mickelson said during their conversation, according to Shipnuck. "They execute people over there for being gay. Knowing all of this, why would I even consider it? Because this is a once-in-a-lifetime opportunity to reshape how the PGA Tour operates."

Mickelson's comments, published last week, were met with immediate backlash by other Tour players. The Tour declined to comment.

"I don't know what Phil's doing," Perez said. "I don't know what he's doing. I know he's not speaking for me and, you know, I actually really don't care what he has to say about anything because I just don't. He doesn't speak for me."

Added the longtime Tour caddie: "First of all, [I was] shocked, in disbelief. Phil's been so good about always saying and doing the right thing for the last 32 years and then this. I don't want to pretend like I understand where his animosity, entitlement and everything else comes from. I don't want to go into that. It just made me sad. I'm just in shock and disbelief by what he said and completely and utterly obviously disagree and I think it's a shame."

After Shipnuck published Mickelson's comments, the author said he received one text message from him.

"He was displeased," Shipnuck said on the podcast. "He tried to sort of go down that road, 'Oh, I thought this was a private conversation between you and I.' I shut that down really fast. His heart wasn't really in it anyway. He knows the truth. I don't know what he's going to say going forward. He knows that this was an on-the-record conversation and it was for the book, and he never asked for any of this being private."

During the phone conversation with Shipnuck, Mickelson admitted he wasn't sure he wanted to be part of this league. Mickelson was, he said, more interested in the opportunity it presented.

"I'm not even sure I want it to succeed," Mickelson said of the Saudi-financed league. "But just the idea of it is allowing us to get things done with the tour."

A few days after the comments were made public, the entire scenario had changed. Still, the threat to the PGA Tour did not just go away the second Mickelson's quotes become public knowledge.

The end of one league and changes to the existing?

Just because some of the golf's biggest stars aren't leaving, it doesn't mean the Tour can ignore what happened. That could lead to significant changes and a new chapter for the PGA Tour. Players still want more transparency from the Tour and alterations to the financial structure. More than a few were, and still are, intrigued by some of the changes the Saudi League would bring.

[Rickie Fowler](#) told reporters on Wednesday that he still believes the PGA Tour is the best place for him, but he also understands the idea that competition could be healthy for both sides.

"Ultimately, I think that if everything kind of goes the right way, I think everyone comes out in a better place," Fowler said. "Like I said, I think competition is a good thing, and in business, whatever it may be, you're trying to always, if you're trying to be the best, you want to find ways that you can be better than your competitors. It goes through sport, business, tours, whatever it may be. I just hope that everything kind of continues to either head the right way or not the wrong way, and we can all end up in a better place in the future."



Pat Perez made his position clear: "I don't know what Phil's doing."

Fowler mentioned he has spoken with Monahan about changes he would like to see, and he, and the other Tour players and caddies, want a response that shows the Tour is adjusting to their wants and needs.

"We were all very curious," the caddie said. "Smaller fields, more money, more guaranteed money, 54-hole tournaments, shotgun starts. All of that is wonderful, but the Tour's going to respond the only way they can. They have to come back hard. If not, the product is extremely diluted and they won't let that happen."

The Tour has made its position clear about players who decide to leave for any rival league. Monahan reiterated the Tour's stance during meetings with players in California last week and Florida this week. The Associated Press reported that Monahan made it clear to the players that there is "zero complacency" when it comes to the Saudi league and that any player who signs up with the new league will lose their PGA Tour Membership.

"I told the players we're moving on and anyone on the fence needs to make a decision," Monahan told the AP on Wednesday [in a telephone interview](#).

Every year, Tour players sign an agreement that states they are required to get written permission to play in an event opposite of a PGA Tour event that week. Any breach of that contract by playing in the new league would result in a suspension from the PGA Tour.

"I would think that [the Tour is] probably smart enough to not do a lifetime [suspension], it'll probably be indefinite depending on how egregious somebody is," the tour caddie said. "If they're out recruiting players to come and play on that tour, I think that indefinite could possibly be a lifetime [ban]. I think if you were more, it's a lot of money, I could provide for my family and a year into it, I made a mistake; it'll probably be shorter."

That threat of a suspension, or losing an opportunity to come back to the Tour, seems to have already prevented some from defecting.

"You got to have the stars to make it work. Now, if you do have lesser names out there making enormous amounts of money and purses, guys might say, 'Well wait a minute, maybe I'll go over there and play for those big purses,'" the tour agent said. "But, I just don't see how, you have to have sponsors, you have to have a broadcast partner, you have to have a lot of things. And broadcasters are no dummies, they're going to want to have some star power to justify the investment."

Knowing the Saudi League faces an uphill battle given what has played out over the past few weeks, the Tour has a renewed opportunity to gain solidarity and trust from its players.

Perez said the Saudi League helped push the Tour to adapt already, including adding the Player Impact Program (PIP), which divvies up \$50 million to the top-10 players who bring the most attention to the game based on a set of criteria. The Tour added bonuses for players who make at least 15 tour starts and increased the purse of the Players Championship, its flagship event, from \$15 million to \$20 million. The FedEx Cup bonus pool jumped from \$60 million to \$75 million, with the winner taking home \$18 million.

That's a start, but it only rewards the top players and the most popular golfers on social media. Perez, and others, believe the PIP money could be put to better use in purses or guaranteed money for everyone on Tour.

He suggested that Tour players start out with \$250,000 of guaranteed money to help with expenses and missed cuts where no money is earned after a

week's worth of work and travel. A big part of his concern is for the players that aren't in the top of the earnings list, who are spending more money than they're earning on a yearly or even weekly basis.

"You've got guys missing cuts. I had a friend one year make \$22,000 on the Tour. He lost, he was in the hole about 90 grand. Mind you, he didn't play well and I get it, but how can he be out money?" Perez said. "He earned his card and he was out like 90 grand that year. That's hard to do. Think about it, you're playing at the top. The problem is the top guys are making so much money, they're not really interested in whether or not they get another, you know, couple hundred grand or whatever."

Others suggested to ESPN that the money go into the Korn Ferry Tour, a developmental tour, a minor league of sorts, for players before they earn their PGA Tour card. On the Korn Ferry Tour, the purses are significantly smaller where a player who makes the cut, but finishes in last place could stand to make roughly \$4,000 for the week.

Each tournament incurs various expenses, including travel, lodging, food, tournament fees and caddie payouts, that a player on the Korn Ferry Tour could easily break even on a weekly basis after all expenses are factored in. The Tour did approve purse increases for 2022 and 2023, but there is still more that could be added to help offset costs for those outside the top money lists.

The Tour, sources said, has also had internal discussions with players about improvements and decisions going forward. It is discussing replacing its wraparound schedule with a calendar year lineup, which would include a team-based series of three events for the top 50 players in the previous year's FedEx Cup standings, which would be played in Asia, Europe and the Middle East. Players outside the top 50 would compete in the existing fall events to determine their status for the next season. A source told ESPN that players' reaction to the schedule changes was "lukewarm" during a PAC meeting in California last week.

Something has to be done, according to some players, because those who want to take a break from the year-round schedule and skip events in the fall, might start the next year way behind the leaders in the FedEx Cup standings.

The addition of the overseas team events also would perhaps alleviate some of the concerns from the tour's best players, who believe they're entitled to a larger piece of the pie than lesser accomplished players.

"What I think the average fan doesn't know is how much a player spends to go to work," a Tour agent said. "Nobody's forcing them to do that, but they spend so much money or reinvest so much money in themselves and what they pay their team and what they spend on private airfare, renting homes and [paying] chefs and trainers and physical therapists and everything that goes into it. It's a very lucrative sport, but it's also a very expensive sport for them, unlike team-sport athletes who are flown around every place and supplied all those things.

"I think they're just trying to make a little bit of an argument that maybe the very top guys who really drive the bus [should be] getting a little bit bigger piece of the pie, and I think the Tour's listening."

Players seem largely encouraged that the PGA Tour is willing to make changes.

"Maybe I'm fortunate that I've been more privy to the inner workings of the Tour and I've been more involved and got quite a good relationship with the leadership team on the PGA Tour, Jay [Monahan], Andy Pazder, Ross Berlin, all those sort of guys. Every time I walk out of a meeting or walk out of any sort of interaction with them, I'm always very confident that the Tour's headed in the right direction," McIlroy said. "I was really glad to see D.J. and Bryson put out those statements [last] week. We all want to play against the best players in the world and they're certainly two of the best players in the world and it's nice to know that they're committed to playing here and committed to making this the best tour in the world."

The Tour has even been transparent in disclosing last year's annual budget for the first time to its players. They sent the budget to each player to show where the money was going, which is another reason some of the Tour players scratched their heads at Mickelson's comments.

Not everyone is happy, and significant change still needs to happen, but the general sentiment from those dedicated to the Tour is that there is a willingness to adapt. Whether or not the Saudi League sees success or not, the PGA Tour is going to do what it takes to make sure it remains the premier golf league in the world.

What Mickelson said might have inadvertently assisted the Tour in its effort to stay at the top, but the Saudi League isn't folding, either. The money poured into the endeavor by Norman, LIV and the Saudi group is still attractive to some.

But how quickly the big names pulled back from participating in the splinter league, and how firm advocates for the Tour were in their allegiance, revealed the staying power of what the PGA Tour has built.

Whether or not it will continue to fend off the efforts of the Saudi League in the future will depend on how the league adapts, how happy it keeps players and what the product looks like going forward.

"Already the Saudi League has had an impact on the PGA Tour and now I think it's time for it to go away," the caddie said. "The Tour is on top of it now and they realize that they probably needed the matchup and I think we're going to see some fun, exciting new changes in the next 18 months on tour. I think we'll start seeing a little bit of this concept probably bleed in."

EXHIBIT 48

LIV Golf Outlines Plans for Next Two Years After \$2 Billion Investment

By Golf Channel Digital May 10, 2022 at 3:17 PM

LIV Golf announced Tuesday that it will host two additional tournaments in 2023 before launching its full super league in 2024, thanks to another \$2 billion investment.

The eight-tournament LIV Golf Invitational Series kicks off next month outside London with a record \$25 million event, including \$4 million to the winner and approximately \$120,000 for the last-place finisher in the 54-hole event. Because the tournament conflicts with the PGA Tour's RBC Canadian Open, any interested player had to request a release to play in the June 9-11 event. The deadline for PGA Tour commissioner Jay Monahan to grant or deny those releases was Tuesday.

Phil Mickelson, Lee Westwood and Sergio Garcia are among the players who have publicly disclosed that they requested a release. Six of the top 50 players in the world, and 19 of the top 100, have signed up for the inaugural event.

[LIV Golf CEO Greg Norman told the BBC](#) that the first event at the Centurion Golf Club will be streamed live on YouTube.

In the press release Tuesday, LIV officials said that 10 tournaments will be played in 2023, with a full 14 events scheduled for 2024 and 2025, after the breakaway tour secured \$2 billion of extra funding from Saudi Arabia's Public Investment Fund. Norman defended the source of the money and told the BBC that they're looking at "decades" in the future as they look to reshape the golf landscape.

"We have a long-term vision and we're here to stay," Norman said in a statement. "We're going to grow the game, give more opportunities to play, and create a more entertaining product for fans. ... We realize it won't happen overnight, and we're excited for the opportunities LIV Golf will add to the game as we continue to grow."

EXHIBIT 49

Matt Jones says playing LIV Golf event is 'purely a business decision'

By Golf Channel Digital June 1, 2022 at 2:18 PM

Three players in the field at this week's Memorial Tournament have committed to compete in the first LIV Golf Invitational Series event.

Tour winners Matt Jones and Hudson Swafford, along with reigning U.S. Amateur champion James Piot, are signed up to play in London, June 9-11. For now, though, they are at Muirfield Village.

Golf Channel reporter Todd Lewis caught up with Jones on Wednesday to get his reasoning for competing in the rival-league tournament, despite the Tour not allowing a conflicting-event release for its players.

"A lot to do with my family, being able to provide for them. Purely a business decision for me," said Jones, who didn't detail the up-front money offered. "I'm very happy with the decision I made."

Unpacking the notables of LIV Golf Invitational



Jones, 42, has won twice on Tour (2021 Honda Open, 2014 Houston Open) and has over \$17 million in official earnings. He added to his explanation by saying, "I love the concept that we have going on that tour. Golf's a global game. I'm from Australia. I love to travel and play golf. I don't have to be stuck in one county and play golf. And I like the idea of playing a team aspect as well."

As for the possibility of being suspended or banned by the PGA Tour, Jones said, "That was a decision I had to make."

"I don't think banning PGA Tour players from playing a global game is good look for the PGA Tour."

While Jones and Swafford have been on Tour for several years, Piot, from Michigan State, turned professional last week. He declined to speak with Lewis, but Piot's manager told Lewis that because Piot is not a PGA Tour member, the 23-year-old shouldn't have to face any possible consequences to competing on the LIV Golf series.

EXHIBIT 50

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Matt Jones, Hudson Swafford Say They Were Enticed By Schedule, Team Format of LIV Golf

At the Memorial Tournament on Wednesday, participants in the upcoming LIV Golf event were asked about their decision.

ALEX MICELI • JUN 1, 2022

DUBLIN, OHIO -- As kids, golfers dreamed of playing on the PGA Tour.

On Tuesday, both Matt Jones and Hudson Swafford, PGA Tour members, decided on another path and [committed officially to the inaugural LIV Golf event](#) outside London next week.

For Jones, 42, the decision was relatively easy.

"Purely a business decision for me and my family," Jones said on the range Wednesday at the Memorial Tournament. "It's a big decision for any golfer. I've given the PGA Tour 15 years out here, Korn Ferry four or five years before that. This is a quick decision for me for my business for me of being a self-employed contractor. And it works for me."

The Australian has four worldwide wins including two on the PGA Tour, the 2014 Shell Houston Open and the 2021 Honda Classic, and has won over \$17.3 million in his 15 years on the PGA Tour.

"The upfront money's nice, it's not like it's a life changing amount for me at all," Jones said of the reported appearance fees. "But the purses are nice, the smaller events, the smaller fields, the team aspect, and three-day tournaments are all good for me."

Swafford, 34, was a bit of a surprise. He has three wins in his PGA Tour career: the 2017 CareerBuilder Challenge, the 2020 Corales Puntacana and this year at The American Express.

Currently 42nd in the FedEx Cup standings, Swafford has won more than \$9.65 million in his nine years on tour.

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"Schedule is very enticing to a guy who has two small kids," [Swafford told Golf Digest on Wednesday](#). "I think the format, the team aspect, is going to be incredible. Look at Zurich [the Zurich Classic of New Orleans, which is a two-man team event], putting teams together turned an event that was in a tough part of the schedule into one that gets some incredible fields. I'm really looking forward to seeing how that works."

Both Jones and Swafford face unknown disciplinary actions by the PGA Tour, which reiterated its stance on players competing in the LIV Golf Invitational Series in a statement on Wednesday.

"As communicated to our entire membership on May 10, PGA TOUR members have not been authorized to participate in the Saudi Golf League's London event, under PGA TOUR Tournament Regulations. Members who violate the Tournament Regulations are subject to disciplinary action. "

James Piot, 23, is one of the youngest professionals to commit to play in the LIV London event next week. The 2021 U.S. Amateur champion turned pro just last week and is not a member of any tour, so the disciplinary issues that Jones and Swafford may face from the PGA Tour may not apply to Piot.

Piot, who is in the Memorial field due to his U.S. Amateur win, was unwilling to discuss the LIV situation and deferred to his agent Michael Flynn of Radegen Sports.

According to Flynn, they have had discussions with the PGA Tour, and Piot's ability to play in Monday qualifiers or receiving sponsor exemptions will not be affected by playing in LIV events.

"He wanted to play globally," Flynn said of some of the criteria used to make the decision to play in a LIV event. "He wanted to have a place to play for the next couple of years, so we're looking at different opportunities that seem to make sense."

More LIV Golf News on Morning Read

- **Dustin Johnson Headlines Field in LIV Golf Debut Event**
- **Why Johnson's Decision to Play LIV Golf is Now PGA Tour's Problem**

EXHIBIT 51

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Q&A: Matt Jones explains decision to join LIV Golf, desire to remain on PGA Tour



By Brendan Quinn Jun 1, 2022

DUBLIN, Ohio — There's an odd air hanging over this place. The kind that wafts in when things get uncomfortable. Why else would a crowd of writers and a Golf Channel camera stand be positioned behind Hudson Swafford on the Memorial driving range? Why else would writers be poking around James Piot?

But that was Wednesday at Muirfield Village.

The prior night's announcement naming those players set to partake in the opening [LIV Golf Invitational Series](#) event June 9-11 finally put faces and names out in the open and, after months of speculation, formally revealed those partnering with the breakaway Saudi league. Though that list is headlined by [Dustin Johnson](#), Sergio Garcia, Talor Gooch, Louis Oosthuizen, Lee Westwood and some others, only three players heading to London in a few days are currently set to play in this week's Memorial Tournament.

There's Swafford, the No. 91 player in the world, and a nine-year member of the [PGA Tour](#). He declined comment on the range while practicing Wednesday, but was met by a thicket of reporters waiting for him off the ninth green after finishing nine holes in the Memorial's pro-am. He said the [LIV](#) model is "interesting" and that he still hopes to play on the PGA Tour in the future.

There's Piot, the [defending U.S. Amateur champion](#). His agent deflected some media members early in the day, but the Michigan State grad offered a few brief comments to the AP on his way off the range.

And there's Matt Jones. The 42-year-old has been on tour since 2008, winning twice (2014 Houston Open and 2021 Honda Classic) and pulling in more than \$17 million in earnings. The Australian is the eighth-highest ranked player in the LIV's inaugural 42-man

field at Centurion Club.

Late Wednesday afternoon, as the Memorial Honoree Ceremony for legendary players Ben Crenshaw and Charlie Sifford, along with golf journalist Michael Bamberger, played out behind Muirfield's 18th green, Jones worked on the practice green alongside the likes of Jon Rahm and others.

With the looming possibility that the PGA Tour could carry out sweeping banishment of any members who partake in a LIV event, there was the underlying awareness that, after 363 career PGA Tour events, this could very well be Jones' last.

The choices made by those individuals joining LIV Golf is controversial and multilayered. It's financed by the government of Saudi Arabia, a country entangled in human rights issues, and essentially requires players to turn their backs on the PGA Tour and risk their status in major tournaments. With limitless funds and guaranteed cash upfront, though, LIV is proving enticing to some. Jones included.

As he walked off the practice green Wednesday, Jones stopped to speak with four writers from *The Athletic*, the Associated Press, ESPN and USA Today. In an effort to give full clarity on what goes into a player making the jump to LIV, the interview is being presented here in full.

What went into your decision to join LIV Golf?

It was a decision that I looked at for a little while. I went over everything with all my people and my team, and came to the conclusion that it was a good choice for me for a business aspect, for a family aspect, and hopefully for the future of golf to grow the game.

Do you have interest in continuing to play on the PGA Tour?

Oh, yes.

And do you know when your next start on tour is?

My next tour stop is — I don't know when it is, to be honest with you. I can't say for sure. We'll see. We'll find out what happens. I don't think banning players from playing on the PGA Tour as independent contractors is very good for golf. It's not a good look for anyone. I understand the tour wants to protect their players and the product they have out here, but I don't think that's a good way to go about it.

Have you heard the term "banning" from Jay (Monahan) or anyone?

No, I have not heard any official terms or consequences that players will face by playing over there.

Do you feel like you should've by now?

Eh, no, the tour is always a bit quiet in how they handle their things. They keep everything in house, as they do with suspensions and drug tests and everything. So I'm sure it'll come out, maybe once the first ball is hit by the players over there.

If, because you're playing without having a release, that means that they'll no longer have you as a member of this tour, is that something you're bracing for?

You've got to expect it. That's what they've stated and they've said publicly. Jay has always been very adamant about that. ... We'll see how that goes. I'm not sure how that'll hold up for independent contractors. I'm sure the PGA Tour's lawyers are pretty confident, and I'm sure the LIV lawyers are pretty confident, too. But look, I'm a golfer. I'm going to stay in my lane because I have no idea on that stuff.

But would you be willing to take it to court?

I'll have to see what all the other players are planning on, what their hopes are. Hopefully it doesn't come to that, and we can work something out.

What's most enticing about playing on the LIV Tour?

I like the team aspect of things. The team aspect is very nice. It's three-day events, a 48-man field, the shotgun (starts) and playing all at the same time and all in the same weather conditions. The schedule is great for me with three kids — three young girls. I want to be around as a dad. I mean, I've been out here for 15 years. I've missed a lot of what goes on in my kids' lives. I was raised with a mom and dad that were always there for me. They were at every sporting event, every schooling event, and that's something I'd like to try to do for my kids.



Matt Jones is currently the No. 68 player in the world. (Orlando Ramirez / USA Today)

You talked about weighing an unknown future with the tour, but how do you weigh an unknown future of playing in the majors? You were T26 at the Masters as recently as 2021.

The majors? Look, they're open. The British Open, the U.S. Open. So, I think anyone is eligible to play those. I can go qualify for those whenever I want. As for the Masters, that's always the hardest one to get into. And the PGA, we'll see what they do. They're kind of ... they kind of work together with the PGA Tour, so we'll see what they decide to do, as well.

You don't know the long-term future of LIV or what it's going to look like in three or five years.

Exactly.

Why are you comfortable going with a greater unknown down the like.

It is an unknown. I've spoken to a lot of people in the organization and I feel very good about the LIV people — the future, the plan they have in place to grow the game even more. I'm from Australia, so I'm a global player. I like to play everywhere I can around the world. You're somewhat limited to that when you play on the PGA Tour. I play in Australia whenever I can, I go overseas and play whenever I can. I'm just happy to be able to do that.

When did you make up your mind? A long time ago?

No, not a long time ago. I'd been discussing it a lot with my wife, my agent, my team, and when I looked at everything and where I stand on the PGA Tour — look, I'm 41st on the FedEx Cup this year, so there's a lot I'm giving up, as well, potentially — but it's a risk that I was willing to take and am happy with.

RBC dropped Dustin (Johnson) today. Are risking your own sponsors and have you spoken to them about this?

That's out of my hands. That's up to my agent. If I play good, it takes care of itself. That's the good thing about playing golf.

Obviously, the question so many people have is, when it comes to political issues and the Saudi human rights issues, where do you come down on these very complicated issues?

I'm a golfer. I'm not a political person. I play golf for a living. I stay in my lane. And that is my response to that. That's exactly what it is.

Well, it's nonetheless a hot-button issue. Are you anticipating backlash from fans?

I honestly don't know. I haven't had one negative thing on social media. There might be some. We'll wait and see.

Has there been any backlash from players?

No. Definitely no backlash from players or caddies. It's been very positive.

Is this kind of a proof-of-concept model. Where if players see other players making a ton of money, guys are going to have to eventually jump?

It's going to be interesting to see what happens down the road, if that does happen — which, hopefully it does. I mean, there are so many good golfers in the world that can't get on the PGA Tour right now. If this provides an avenue for them to play well, financially set themselves up for years to come, which could help them get on the PGA Tour. There are a lot of upsides to it and hopefully a lot of players take advantage of it.

Are you locked in for all the LIV events?

I have a deal where I will be playing multiple events.

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